

PTO/SB/21 (03-03)

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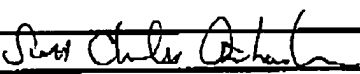
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/409,500
	Filing Date	September 30, 1999
	First Named Inventor	Glen J. Anderson
	Art Unit	2644
	Examiner Name	Elizabeth McChesney
Total Number of Pages in This Submission	Attorney Docket Number	P1537US00

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Scott Charles Richardson, Reg. No. 43,436; Gateway, Inc.
Signature	
Date	October 15, 2003

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Date: October 15, 2003

Pages: - 4 -
(Including Cover)

To: Examiner Elizabeth McChesney

Re: Appln Serial No. 09/409,500

Dept./Co.: U.S. Patent Office, Art Unit 2644

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From: Scott Charles Richardson, Reg. No. 43,436

Ref: Atty Docket No. P1537US00

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MESSAGE:

Transmitted herewith under 37 CFR 1.8, please find:

Traversal of Finality; and
Transmittal Sheet.

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Signature:

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AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/374,781

Filing Date: August 16, 1999

Title: METHOD AND SYSTEM FOR PRESENTING CONTENT SELECTION OPTIONS

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Dkt: P1437US00

SERIAL NO. 09/409,500PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Glen J. Anderson

Examiner: Elizabeth A McChesney

Filed: September 30, 1999

Art Unit: 2644

Docket No.: P1537US00

Title: *AUDIO ASSISTED SETUP APPARATUS AND METHOD*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Following the final Office action dated September 29, 2003, please reconsider the subject application for the following reasons.

TRAVERSAL OF FINALITY

The previous Office Action dated March 17, 2003 included: i) a rejection of claims 1 and 16 under 35 U.S.C. §102 in view of U.S. Patent 5,815,586 ("Dobbins"); ii) a rejection of claims 4, 22, 23, and 28 under 35 U.S.C. §103 as being unpatentable in view of the Dobbins patent; iii) a rejection of claims 1, 3, 6-14, 16, 18-21, and 23-27 under 35 U.S.C. §103 as being unpatentable in view of U.S. Patent 5,577,918 ("Crowell"); iv) a rejection of claim 2 under 35 U.S.C. §103 in view of Crowell and further in view of U.S. Patent 4,611,262 ("Galloway"); and v) a rejection of claim 2 under 35 U.S.C. §103 as being unpatentable in view of Crowell in further view of U.S. Patent 5,853,372 ("Britton").

Applicant's response dated June 17, 2003 did not amend any claims. The response simply added new claims 29-31, in addition to traversing the rejections.

The presently pending final Office Action changes the grounds of rejection. The final Office Action dated September 29, 2003 includes: i) a rejection of claims 1, 4, 16, 22-23, and 28 under 35 U.S.C. §103 as being unpatentable in view of Dobbins; ii) a rejection of claims 1, 3, 6-14, 16, 18-21 and 23-27 under 35 U.S.C. §103 as being unpatentable in view of Crowell; iii) a rejection of claims 2 and 29-30 under 35 U.S.C. §103 in view of Crowell and further in view of

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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Galloway; and iv) a rejection of claims 5, 15 and 17 under 35 U.S.C. §103 as being unpatentable in view of Crowell in further view of Britton.

Since the new grounds of rejection in the final Office Action were not necessitated by the Amendment of June 17, 2003, it is respectfully submitted that the finality of the Office Action is premature in accordance with MPEP 706.07(a). Therefore, withdrawal of the finality of the rejection is earnestly requested.

Conclusion

The pending claims are respectfully submitted to be in condition for allowance for at least the reasons set forth in the previous Amendment of June 17, 2003. Accordingly, notification to that effect is earnestly requested. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the Gateway, Inc. attorney at (605)232-1967 to facilitate prosecution of the application.

It is believed that no fee is owed for the present Amendment. However, if necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

Gateway, Inc.
Customer No.: 24333
Date: October 15, 2003

By

Scott Charles Richardson
Scott Charles Richardson
Reg. No. 43,436

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